

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
STEVEN BREIER,	:	
	:	S2 19 Cr. 704 (LAP)
Defendant.	:	
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WHEREAS, on or about October 10, 2019, STEVEN BREIER (the “Defendant”) and another, was charged in a four-count superseding Indictment, S2 19 Cr. 704 (LAP) (the “Indictment”), with conspiracy to commit wire fraud and bank fraud, in violation of Title 18, United States Code, Section 1349 (Count One); conspiracy to make false statements to a bank, in violation of Title 18, United States Code, Section 371 (Count Two); wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Count Three); and bank fraud, in violation of Title 18, United States Code, Sections 1344 and 2 (Count Four);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One through Four of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), of any and all property constituting or derived from, proceeds obtained directly or indirectly, as a result of the commission of the offenses charged in Counts One through Four of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of offenses charged in Counts One through Four of the Indictment;

WHEREAS, on or about April 7, 2021, the Defendant pled guilty to Counts One through Four of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Counts One through Four of the

Indictment and agreed to forfeit, to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), a sum of money representing proceeds traceable to the commission of the offenses charged in Counts One through Four of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$620,000 in United States currency representing the amount of proceeds traceable to the offenses charged in Counts One through Four of the Indictment that the Defendant personally obtained, shall be entered against the Defendant in this case;

WHEREAS, the Government agrees to accept a payment from the Defendant in the amount of \$125,000 in United States currency (the "Payment") in full satisfaction of the Defendant's forfeiture money judgment obligation; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Counts One through Four of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Jay Clayton, United States Attorney, Assistant United States Attorneys Vladislav Vainberg and Timothy Capozzi of counsel, and the Defendant and his counsel, Seth Farber, Esq., that:

1. As a result of the offense charged in Counts One through Four of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$620,000 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offenses charged in Counts One through Four of the Indictment that the Defendant personally obtained, for which shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant STEVEN BREIER, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. The Defendant shall make the Payment to satisfy the Money Judgment and it is to be paid in two installments: (i) the first installment payment in the amount of \$15,000 in United States currency shall be made on or before May 13, 2025; and (ii) the second installment payment in the amount of \$110,000 in United States currency shall be made on or before November 13, 2025.

4. Upon receipt of the Payment, the Government shall deem the Money Judgment to be fully satisfied.

5. In the event, Defendant fails to make the Payment, the entire Money Judgment shall be due and the United States may take action pursuant to Title 21, United States Code, Section 853(p) up to the entirety of the outstanding Money Judgment.

6. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, wire, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Illicit Finance and Money Laundering Unit, 26 Federal Plaza, 38<sup>th</sup> Floor, New York, New York 10278 and shall indicate the Defendant's name and case number.

7. The United States Marshals Service is authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

8. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

9. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.


10. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

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11. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:


JAY CLAYTON  
United States Attorney for the  
Southern District of New York


By:   
VLADISLAV VAINBERG  
TIMOTHY CAPOZZI  
Assistant United States Attorneys  
26 Federal Plaza  
New York, NY 10278  
(212) 637-1029/2404

5/8/2025  
DATE

STEVEN BREIER

By:   
STEVEN BREIER

  
5/11/2025  
DATE

By:   
SETH FARBER, ESQ.  
Attorney for Defendant  
Winston & Strawn LLP  
200 Park Avenue  
New York, NY 10166-4193

5/11/2025  
DATE

SO ORDERED:

  
HONORABLE LORETTA A. PRESKA  
UNITED STATES DISTRICT JUDGE

5/14/25  
DATE